

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOSHUA GARTON,)
)
Plaintiff,)
)
v.) Case No. 3:21-cv-00338
) Judge Aleta A. Trauger
W. RAY CROUCH, et al.,)
)
Defendants.)

**MOTION FOR PROTECTIVE ORDER REGARDING
TENNESSEE BUREAU OF INVESTIGATION FILES**

Defendants Joseph Craig and Andrew Vallee, pursuant to Fed. R. Civ. P. 26(c), move this Court for a protective order regarding investigative files of the Tennessee Bureau of Investigation (TBI).

TBI Case File NA-98F-000016 involves the investigation of Joshua Garton, which gives rise to the instant lawsuit, and has been identified by Defendants Craig and Vallee in their Initial Disclosures. Good cause exists for the entry of a protective order, as such documentation is protected as confidential pursuant to Tenn. Code Ann. § 10-7-504(a)(2)(A). To limit the public disclosure of this information, Defendants Craig and Vallee respectfully request that the Court enter a protective order pursuant to Fed. R. Civ. P. 26(c) providing as follows:

1. Counsel for Defendants Craig and Vallee are hereby authorized to produce a copy of the Tennessee Bureau of Investigation (TBI) Case File NA-98F-000016 to the parties in this matter.
2. Any information, records, or documentation consisting of law enforcement records, including but not limited to TBI Case File NA-98F-000016 pertaining to investigations of the named Plaintiff, are designated by the parties for the purposes of

discovery as confidential (“Confidential Information”).

3. The scope of the Confidential Information does not cover any records which are considered public under Tenn. Code Ann. § 10-7-503 and 504.
4. Any Confidential Information exchanged between the parties may only be provided, shared or discussed with the parties, counsel for the parties, employees, administrative staff, other staff members of the parties with a need to know, and witnesses, potential witnesses, experts, agents or entities that the parties, or counsel for the parties, may choose to contact for the purposes of this lawsuit, or any other consultant contacted for purposes of this lawsuit or any fact or allegation set forth in this lawsuit.
5. The contents of this Protective Order shall not affect the admissibility or use of any Confidential Information that the parties deem necessary for any deposition, hearing, or trial in this lawsuit. If a party files documents constituting Confidential Information with the Court, the party shall seek leave to file such documents under seal, subject to the approval of the Court in conformity with Local Rule 5.03 and based on applicable legal standards for sealing documents from public view. Further, and notwithstanding the foregoing provisions, this Protective Order shall be without prejudice to the right of any party to challenge the propriety of discovery on any grounds including, but not limited to, relevance, privilege, and materiality.
6. The parties’ designation of Confidential Information is not binding on the Court for any purpose, including the determination of whether to seal or otherwise restrict public access to the information.

CERTIFICATION OF CONSULTATION

The undersigned counsel, pursuant to Fed. R. Civ. P. 26(c) and Local Rule 37.01(a), conferred with Plaintiff's counsel regarding the entry of a protective order as to TBI Case File NA-98F-000016. However, Plaintiff's counsel is not agreeable to the entry of a protective order regarding TBI Case File NA-98F-000016.

Respectfully submitted,

/s/ AMANDA S. JORDAN
AMANDA S. JORDAN, BPR #29243
MEGHAN MURPHY, BPR #34061
Senior Assistant Attorneys General
Tennessee Attorney General's Office
Civil Law Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-532-5070
Amanda.Jordan@ag.tn.gov
Meghan.Murphy@ag.tn.gov

Attorneys for Defendants Craig and Vallee

CERTIFICATE OF SERVICE

The undersigned hereby certifies on April 19, 2022, a true and accurate copy of the foregoing Motion for Protective Order was filed electronically and sent by way of the Court's electronic filing system to:

BRICE M. TIMMONS
CRAIG A. EDGINGTON
Donati Law Firm
1545 Union Avenue
Memphis, TN 38104
Attorneys for Plaintiff

DANIEL A. HORWITZ
LINDSAY E. SMITH
Horwitz Law, PLLC
4016 Westlawn Drive
Nashville, TN 37209
Attorneys for Plaintiff

LAUREN KISNER
MARY MCCULLOHS
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, TN 37202-0207
Attorneys for Defendant W. Ray Crouch

s/ AMANDA S. JORDAN
AMANDA S. JORDAN
Senior Assistant Attorney General